

Applic. No. 10/033,127

Amdt. dated November 23, 2005

Reply to Office action of September 23, 2005

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-5, 7-10, and 12 remain in the application. Claims 2-10, and 12 have been amended. Claims 11, 13, and 14 were previously cancelled from the application. Claim 1 is being cancelled herewith.

In item 2 on page 2 of the above-noted Office action, claims 1-4, 7-10, and 12 have been rejected as being obvious over Jeschke et al. (U.S. Patent No. 4,089,264) (hereinafter "Jeschke") in view of Dini (U.S. Patent No. 3,964,386), Dudley (U.S. Patent No. 1,798,147), and Konrad et al. (U.S. Patent Application Publication No. 2002/0014171 A1) (hereinafter "Konrad") under 35 U.S.C. § 103.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and as a whole the claims have, therefore, not been amended to overcome the references. However, in order to facilitate prosecution of the application claim 1 has been cancelled and claims 2-8 have been amended to depend from claim 10 and in claim 12, "zone-less" has been moved from the preamble to the body of the claim.

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Applicants respectfully disagree with the Examiner's response to arguments as follows.

It is respectfully noted that the Examiner's comments in item on pages 10-11 of the Office action, that "the possible inclusion of more than one metering element in the claimed device would appear to contradict applicant's argument that the claimed device is not capable of generating an uneven ink pattern , because the existence of more than one metering element implies that each metering element would produce an ink pattern dissimilar from each other metering element", are based upon a false assumption. The fact that in one embodiment of the present invention, a plurality of metering elements are present does not contradict the fact that the inking unit is a zone-less inking unit. This is explained on page 14, line 7 to page 15, line 9 (with Fig. 6), particularly at page 14, lines 7-12. Therefore, it is respectfully noted that the Examiner's comments that the inclusion of one or more metering device appears to contradict applicant's arguments, are not correct.

Regarding the Examiner's comments in item 6 on page 11 of the Office action that the Examiner does not consider "zone-less" in the preamble of claims 1, 10, and 12 to be a structural

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limitation. The Examiner is directed to claim 10 were "zone-less" is recited in the body of the claim. Therefore, the Examiner's comments are not applicable to claim 10.

Accordingly, claim 1 has been cancelled and claims 2-8 have been made to depend from claim 10. Furthermore, claim 12 has been amended so that "zone-less" is in the body of the claim. Accordingly, it is respectfully believed that the Examiner's arguments in item 6 are not valid. Furthermore, since claim 10 already had "zone-less" in the body of the claim, it is kindly requested that the Examiner enter the amendment as the scope of the claims has not changed.

Furthermore, as seen in the above-given comments with respect to item 5 the Examiner's comments in the last sentence of item 6 are not correct. More specifically, the inclusion of more than one metering element does not imply the existence of zones.

In item 7b on page 12 of the Office action, the Examiner refers to "ink rollers". This appears to indicate that the Examiner has not thoroughly reviewed claims 10 and 12. Claims 10 and 12 recite the term "ink form roller", which is listed in technical dictionaries and is thus a generic term whose distinguishing effect over the prior art is not disputable. Therefore, applicant's arguments regarding the fact that

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Dudley teaches a person of ordinary skill in the art away from the present invention (page 12, second paragraph to page 13, first paragraph of the response dated June 29, 2005) are supported by the wording of claims 10 and 12.

Claims 10 and 12 call for, *inter alia*:

the ink-metering device producing only an ink pattern being even over a print width of the roller.

Jeschke does not disclose a zone-less ink unit and teaches away from a zone-less ink unit. This is contrary to the invention of the instant application as claimed, which only produces an even ink pattern making it a zone-less ink unit.

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

As seen from the previously provided comments the Jeschke does not show or suggest the ink-metering device producing only an ink pattern that is even over a print width of the roller, as recited in claims 10 and 12 of the instant application.

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Neither Dini, Konrad, nor Dudley makes up for the deficiencies of Jeschke.

The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

Claims 10 and 12 also call for, *inter alia*:

at least one metering element operatively engaging with a roller,...a plurality of glazing rollers disposed downline from the metering element along a peripheral line of the roller, each of the glazing rollers being in rolling contact exclusively with the roller.

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

Based on the previously provided arguments and the above-given remarks, the references do not show or suggest at least one metering element operatively engaging with a roller,...a plurality of glazing rollers disposed downline from the metering element along a peripheral line of the roller, each of the glazing rollers being in rolling contact exclusively

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with the roller as recited in claims 10 and 12 of the instant application.

The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

In item 3 on page 9 of the Office action, claim 5 has been rejected as being obvious over Jeschke (U.S. Patent No. 4,089,264) in view of Dini (U.S. Patent No. 3,964,386), Dudley (U.S. Patent No. 1,798,147), and Konrad (U.S. Patent Publication No. 2002/0014171 A1) and further in view of Cappel et al. (U.S. Patent No. 3,913,479) (hereinafter "Cappel"). Cappel does not make up for the deficiencies of Jeschke, Dini, and Dudley. Since claim 1 is believed to be allowable, dependent claim 5 is believed to be allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 10 or 12. Claims 10 and 12 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 10, they are believed to be patentable as well.

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In view of the foregoing, reconsideration and allowance of claims 2-5, 7-10, and 12 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,


For Applicant(s)

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